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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,477	06/06/2001	Kenneth P. Hinckley	m61.12-0318	7953

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WESTMAN CHAMPLIN (MICROSOFT CORPORATION)  
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EXAMINER

SHAPIRO, LEONID

ART UNIT PAPER NUMBER

2629

DATE MAILED: 12/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/875,477

Applicant(s)

HINCKLEY ET AL.

Examiner

Leonid Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5, 9, 10, 12, 14 and 31-33 is/are pending in the application.
- 4a) Of the above claim(s) 31-33 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5 and 12 is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 4-10-06, 9-25-06

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Election of Species***

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Figs. 1-8                      constitute Species 1

Fig. 9                         constitute Species 2

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

In telephone interview on 08/25/06 Applicant's representative Theodore M. Magee elected Group I with electing claims 5,9-10,12,14 (See Interview Summary filed on September 25, 2006).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ali et al. Pub.: US 2002/0140675 A1) in view of Stove et al. (WO 98/14863).

Ali et al. teaches a method in a device having a display (See Title), the method comprising:

generating at least one sensor signal using at least one sensor in the device (See Fig. 9, item 950, paragraph 0066);

generating a tilt context value that indicates how the device is tilted based on at least one sensor signal (See Fig. 9, item 950, paragraph 0066); and

changing a display orientation context value that describes the orientation of a display based on the at least one sensor signal tilt context value (See Fig. 9, item 950, paragraph 0066).

Ali et al. does not disclose the tilt context value is being used to control scrolling of the image on the display.

Stove et al. teaches the tilt context value is being used to control scrolling of the image on the display (See Figs. 1A-1B, items 12,14,16, page 1, Lines 29-32 and page 4, Lines 1-5).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Stove et al. into Ali et al. system in order to control display by varying the angle of inclination of the device (See page 1, Lines 24-25 in the Stove et al. reference).

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lands (US patent No. 6,201,554 B1) in view of Harrison (US Patent No. 6,597,384) and Shiraishi et al. (US Patent No. 6,621,508 B1).

Lands (figure 1) teaches a portable display device (10) that includes, generating at least one sensor signal using at least one sensor in the device (36 & 38) and generating a tilt context value(first context) (figures 4B-4E) that indicates how the device is tilted (col. 3, lines 54-64), and a flat context value that indicates that the device is laying flat (figure 4A) based on the at least one sensor signal and selecting an orientation for an image on the display when the flat context value indicates the device is laying flat (col. 5, lines 6-46).

Lands does not disclose generating a holding context value that indicates that the user is holding the device.

Harrison teaches generating a holding context value that indicates that the user is holding the device (See Fig. 1A, item 104, Col. 1, Lines 64-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Harrison into Lands system automatically change modes (See Col. 1, Lines 5-6 in the Harrison reference).

Lands and Harrison show all the limitations of claim 10 except the citation of placing the device in a full power mode based on the holding context value and the orientation context value.

However, Shiraishi et al. teaches a display device that turns power on or off by tilting the display device itself to the certain angle (See from Col. 14, Line 62 to Col. 15, Line 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Shiraishi et al. into Lands and Harrison system eliminating unnecessary display operations and reducing power consumption (See Col. 15, Lines 5-6 in the Shiraishi et al. reference).

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lands (US patent No. 6,201,554 B1) in view of Harrison (US Patent No. 6,597,384).

Lands (figure 1) teaches a portable display device (10) that includes, generating at least one sensor signal using at least one sensor in the device (36 & 38) and generating a tilt context value(first context) (figures 4B-4E) that indicates how the device is tilted (col. 3, lines 54-64), and a flat context value that indicates that the device is laying flat (figure 4A) based on the at least one sensor signal and selecting an orientation for an image on the display when the flat context value indicates the device

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is laying flat (col. 5, lines 6-46), activating a sound capturing application based on the orientation context value (See Col. 2, Lines 21-34).

Lands does not disclose generating a holding context value that indicates that the user is holding the device.

Harrison teaches generating a holding context value that indicates that the user is holding the device (See Fig. 1A, item 104, Col. 1, Lines 64-65).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the teaching of Harrison into Lands system automatically change modes (See Col. 1, Lines 5-6 in the Harrison reference).

### ***Allowable Subject Matter***

6. Claim 5, 12 are allowed.

Relative to claim 5 the major difference between the teaching of the prior art of record (Lands, Norden and Smith) and the instant invention is that generating a third display orientation context value that indicates that the device is laying flat based on the at least one sensor signal after generating the second display orientation context value; and selecting an orientation for an image on the display while the device is laying flat by using the first display orientation context value instead of the second display orientation context value.

Relative to claim 12 the major difference between the teaching of the prior art of record (Lands, Norden and Smith) and the instant invention is that preventing the device from entering an idle mode because the sequence of proximity context values

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indicates that an object is moving relative to the device while allowing the device to enter an idle mode when the sequence of proximity context values indicate that an object is present but not moving relative to the device.

### ***Response to Arguments***

Applicant's arguments with respect to claims 9-10,14 have been considered but either moot in view of the new ground(s) of rejection or not persuasive.

### ***Telephone Inquire***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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LS  
12.06.06

A handwritten signature in black ink, appearing to read 'R. Hjerpe', with a stylized, cursive script.

**RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**